

**REMARKS**

Claims 1 and 3-22 remain pending in the present application. Claims 1, 9, 18-22 are currently amended. Claim 2 has been previously cancelled. Claims 3-8, 10-17 were previously withdrawn.

**STATEMENT UNDER 37 C.F.R. § 1.133(b)**

The Applicant appreciates the time and consideration given by the Examiner during the interview conducted on May 6, 2010. During the interview, the undersigned presented arguments with regard to the Nakajo reference as failing to teach the confirming step feature as recited in claim 1 and the other independent claims. Applicant concurs with the Examiner's description of the arguments as set forth in the Interview Summary in that the Nakajo is directed to a jitter control recording method, which cannot be equated to a sequential recording method. It was agreed at the conclusion of the interview that the Examiner would review the Nakajo reference in view of Applicant's arguments and discuss whether the current rejections remain appropriate.

**Claim Rejections – 35 U.S.C. §103**

Claims 1 and 18 stand rejected under 35 U.S.C. §103(a) as being unpatentable over US 5,448,728 (Takano) in view of US 2004/0042363 (Kobayashi). Reconsideration of these rejections is respectfully requested for at least the following reasons.

Claim 1 has been amended to recite that the overwrite method includes, among other things, confirming whether a recording mode applied to the optical disc is a sequential recording mode **by reading recording mode information recorded in a**

**temporary management area of the optical disc**, in which data is recorded sequentially onto sequential recording ranges allocated to a data area of the optical disc, wherein each of the recording ranges is one of an open sequential recording range having a next writable area or a closed sequential recording range having no writable area. Similar language has also been added to the apparatus for overwriting data on an optical disc as recited in independent claim 18.

As discussed beginning at page 24, line 11 of the application as filed, in a replacement recording for a logical overwrite (LOW), a replaced area can be differentiated according to a recording mode. Once a disc is loaded, a recording mode of the loaded disc is preferentially confirmed. As part of this confirming step, the recording mode is indicated by "recording mode" information stored within a TDMA. For example, in a sequential recording mode (SRM), the replacement recording is performed on an NWA location within a corresponding open SRR to execute a LOW for the open SRR. The replacement recording is performed on a spare area when executing a LOW for the closed SRR. If the loaded disc is in a random recording mode (RRM), the replacement recording is always performed on the spare area for execution of the LOW.

The Examiner acknowledges in the office action that Takano fails to expressly teach that the controller performs a step of confirming whether a recording mode applied to the optical disc is a sequential recording mode. To cure this deficiency in the primary reference, the Examiner relies on Kobayashi as teaching a recording/reproduction apparatus for recording to an optical medium where the method selection is made prior to carrying out the recording operation. In particular, the Examiner relies on paragraphs [0034], [0035] and [0036] to conclude that the Kobayashi method includes one of a "normal recording mode" and a "data recording

mode” as corresponding to the claimed step of confirming whether a recording mode applied to the optical disc is a sequential recording mode as previously presented in independent claim 1.

However, a close examination of Kobayashi indicates that this reference fails to teach recording mode information in a temporary management area of the optical disc for confirming a recording mode. This aspect of amended claim 1 is not taught or otherwise suggested by the secondary reference. Similarly, recording of mode information in a TDMA for confirming a recording mode is not taught nor otherwise suggested in any of the references cited by the Examiner.

As such, Applicant submits that the combination of references as they may apply to amended claims 1 and 18 do not support the current rejections under Section 103(a).

**Claim Rejections – 35 U.S.C. §103**

Claims 9 and 19-22 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Takano in view of Kobayashi and US 2004/0246852 (Hwang). Reconsideration of these rejections is respectfully requested for at least the following reasons.

Claim 9 further defines the overwrite method recited in amended independent claim 1. Accordingly, dependent claim 9 represents allowable subject matter for at least the reasons set forth above with regard to independent claim 1.

Also, claims 19-21 are dependent on amended independent claim 18. Accordingly, each of these claims also represent allowable subject matter for at least the reasons set forth above with regard to independent claim 18 as having similar language to that added to amended independent claim 1.

With regard to independent claim 22, this claim has been amended to recite that the optical disc includes a temporary management area to store location information of an overwrite-requested area and a replacement-recorded area, **wherein the temporary management area further stores recording mode information including the sequential recording mode.** Similar to the amendments to independent claims 1 and 18, none of the references cited include a TDMA for storing recording mode information including the sequential recording mode.

The Examiner acknowledges that Takano fails to teach that location information of the overwrite-requested area and the replacement-recorded area is recorded in a temporary management area. To cure this deficiency in the primary reference, the Examiner relies on Hwang as teaching that the location information may be recorded in a TDMA relying on paragraph [0054] that discloses the storage of TDFL and TDDS and the TDMA. However, Hwang does not teach the recording of recording mode information including a sequential recording mode in the TDMA as now recited in independent claim 22 either in paragraph [0054] or otherwise in the reference.

Thus, Applicant further submits that independent claim 22, as amended, would represent allowable subject matter over the combination of references set forth by the Examiner to reject independent claim 22 as previously presented.

#### **Request for Personal Interview**

Should Applicant's remarks fail to place the application in condition for allowance, Applicant hereby requests a personal interview with the Examiner to discuss any remaining issues prior to issuance of the next official action.

**CONCLUSION**

Accordingly, in view of the above amendments and remarks, reconsideration of the objections and rejections and allowance of each of Claims 1, 9, 18-22 in connection with the present application is earnestly solicited.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. §1.17; particularly, extension of time fees.

Respectfully submitted,

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